

Nadler Examines Fair Housing in the Context of Hurricane Katrina, Five Years Later

Thursday, 29 July 2010

WASHINGTON, D.C. - Today, Congressman Jerrold Nadler (D-NY), Chair of the House Judiciary Subcommittee on the Constitution, Civil Rights and Civil Liberties, chaired a hearing on Protecting the American Dream Part III: Advancing and Improving the Fair Housing Act on the 5-Year Anniversary of Hurricane Katrina. The hearing allowed Members to examine the Fair Housing Act in the context of Hurricane Katrina, and to consider the national implications and prevalence of such fair housing issues and a potential legislative response. This was the third in a series of hearings on the Fair Housing Act.

This August will mark the 5-year anniversary of Hurricane Katrina, a catastrophic natural disaster that has had a profound and lasting effect on the Gulf states of Louisiana, Alabama and Mississippi. Among the most significant impacts has been the displacement of more than one million Gulf Coast residents. Efforts to provide permanent housing for those displaced have raised significant Fair Housing Act issues. For example, in the immediate aftermath of Katrina, when evacuees were relocated to Houston, two out of three Houston apartment complexes discriminated against African-Americans. Several years later, low-income evacuees seeking to return to New Orleans and its suburbs have encountered many obstacles, such as a 2006 ordinance enacted by the town of St. Bernard Parish that prohibited owners of single-family residences from renting to anyone except blood relatives.

The Fair Housing Act of 1968 was enacted primarily in response to widespread racial discrimination in housing sales and rentals around the country. Signed into law by President Lyndon Johnson in the immediate aftermath of the assassination of Dr. Martin Luther King, the Act prohibits discrimination in the sale, rental and financing of housing on the basis of race, color, religion and national origin. In 1974, it was amended to include sex and, in 1988, to include disability and familial status.

Witnesses at the hearing were: James Perry, Executive Director, Greater New Orleans Fair Housing Action Center; Daniel Rothschild, Managing Director, State and Local Policy Project, Mercatus Center; Reilly Morse, Co-Director of Housing Policy, Mississippi Center for Justice; and, Professor Stacy Seicshnaydre, Tulane University Law School.

Below is Nadler's opening statement:

"Today, the Subcommittee on the Constitution, Civil Rights and Civil Liberties holds its third in a series of hearings examining the Fair Housing Act. Our hearing today will examine current fair housing issues in the context of the aftermath of Hurricanes Katrina and Rita.

"In the five years since the City of New Orleans was devastated by Hurricane Katrina, we have watched that city try to rebuild, and have had the opportunity to witness the struggles of its citizens as they try to rebuild their lives and communities.

"Some of the hardships were a result of a natural disaster of historic proportions, but, as is often the case, the devastation wrought by natural forces was compounded by human activity.

"One important area was housing. For the displaced, whether homeowners or renters, discrimination made it more difficult for them to return to their homes, and get on with their lives.

"In St. Bernard Parish, the local government engaged in a variety of actions to prevent African-Americans from taking up residence. One ordinance outlawed single-family home rentals to anyone other than blood relatives. The Parish

repealed the law when the Greater New Orleans Fair Housing Action Center brought suit.

"In September 2008, the Parish tried again, this time imposing a building moratorium on the construction of apartments with five or more units in response to a developer's proposal to build new apartment complexes with 70% of the units set aside for low-income renters. In March of 2009, the United States District Court for the Eastern District of Louisiana found that 'the Parish and the Council's intent in enacting and continuing the moratorium is and was racially discriminatory, and as such defendants have violated the Fair Housing Act.'

"In other instances, web-sites with names like www.katrinahousing.org allowed ads to be posted with messages like 'I would love to house a single mom with one child, not racist but white only;' or 'Not to sound like a racist but because we want to make things more understandable for our younger child we would like to house white children;' and, 'Prefer white Catholic family, children.'

"Had these ads appeared in a newspaper, the publisher, in addition to the advertiser, would have been found to have violated the Fair Housing Act. Because of a provision in the Communications Decency Act, these Internet publishers are protected.

"Post-Katrina reconstruction efforts have also used federal funds in a discriminatory manner. For example, the Road Home Program, run by the Louisiana Recovery Authority, using funds appropriated by Congress through the Community Development Block Grant Disaster Recovery Grant Funds, and administered by HUD, devised a formula for determining the amount of assistance to homeowners that had the effect of providing smaller grants to homeowners in African-American neighborhoods than to homeowners in white neighborhoods with similar homes.

"The formula, devised by the LRA, in consultation with, and with the approval of, HUD, provided homeowners with the lesser of the pre-storm value of the home or the cost of repairing the home. After controlling for condition, style, and quality, homes in African-American communities were valued at much lower amounts than homes in white communities. The resulting disparity, especially when the value of the home is less than the repair costs, which do not vary from neighborhood to neighborhood, has had the effect of discriminating in the allocation of the funds on the basis of race.

"It would be unfair to single out Louisiana, and that is not the purpose of this hearing. Discrimination, as this and our prior hearings have documented, is still all too common in housing rentals, sales, and financing around the country. While the aftermath of Katrina brings many of these issues into high relief, none of what happened there is by any means unique to that part of the country.

"As a result of the information we have gathered at these hearings, I plan to introduce legislation when Congress returns in September to update the Fair Housing Act to address emerging issues, and to ensure that the Act provides the tools necessary to protect the right of every American to a decent place to live, free from discrimination.

"I want to note that the Fair Housing Act passed the same year that the distinguished Chairman of the Full Committee joined the House of Representatives. He has always been a vigorous champion of civil rights, and I look forward to working with him as we continue the effort to ensure fair housing rights for all.

"I yield back the balance of my time."